



## **Advocacy Matters Newsletter** **Brain Injury Association of New Hampshire** **April 22, 2022**

### **Legislative Update-Teresa Rosenberger, Lobbyist,** **Bernstein Shur**

The House and Senate both met and were busy. We had a lot of bills that came before the bodies and were voted on.

**Dental benefits** for Medicaid recipients is getting close to becoming law. The Senate passed HB 103, establishing a dental benefit under the state Medicaid program. It appropriates over \$18 M to fund the non-Federal portion share of the adult Medicaid dental benefit program. Great news.

SB 439-FN, which eliminates unneeded voting members and will repeal certain duties that have been found to be unnecessary of the **brain and spinal cord injury advisory council** and community-based support program has passed the House. Since its formation, the council has positions of voting members that have never been filled. Despite the difficulty to achieve a quorum, this hard-working group of individuals has been performing the duties assigned by the legislature. They have also identified and streamlined the actual needs of their community. Another great win.

SB 394 Which changes the **definition of a child with a disability under special education** laws has passed the House with an amendment. The issue of the provision of special education services to students at age 21 or 22 has become a more important issue with recent federal court decisions requiring states to comply with IDEA law specifying services to age 22. This amended bill changes our statute to specify "age 21 inclusive" which replicates the federal statute. The bill also adds a commission to study the fiscal impacts of this change and possible future changes allow the student to complete the semester or school year upon turning 22. The commission

would also look at options for funding special education in the year in which the costs are incurred rather than the current following year funding.

The Senate has passed HB 1513 which **also deals the definition of a child with a disability for purposes of special education.** The Senate passed an amendment defines a child with a disability as between the ages 03 and 21, **inclusive.** It also set up a study Commission. Looks like the House and Senate must come to a good compromise on this which I believe they will as they are really close. Progress

HB 1624 requires the department of education to review the consolidated state plan to encourage **school districts to establish unified co-curricular activities** and makes an appropriation for the purposes of the bill. This bill creates a grant program with an ongoing expenditure of \$50,000 each biennium to the department of education for disbursement in \$4,000 grants to schools wishing to implement unified co-curricular programs. The most traditional type of co-curricular unified programs are sports and theater programs. More good news.

HB 1526, as amended by the House, repeals the suspension for the biennium ending June 30, 2023, of 2020, 39:1, which required the Department of Health and Human Services to amend the income eligibility standard for the **"in and out medical assistance" policy.** The bill also makes an appropriation to the Department to implement the revised income eligibility standard. It has passed the Senate.

HB 1659, as amended by the House, establishes the provision **for temporary employment in a residential care facility or as a licensed nursing assistant by persons awaiting the results of a criminal history background check.** This is essentially an extension of SB 152 (2017) and serves to help reduce the number of hoops people must jump through to fill the critical shortages in our health care setting.

SB 459-FN, relative to a **health care facility workplace violence prevention program** Has passed the House after lots of debate and an amendment to remove the warrant-less arrest provision. There was an attempt to table the bill but it was unsuccessful. It will be interesting to see what the Senate does with this bill now. Underlying bill addresses the increasing problem of violence in health care workplaces. It is the product of the Committee to Study Workplace Safety in Health care Settings and is the result of significant collaboration by legislators and stakeholders. The bill has four sections. The first section establishes the Workplace Violence Prevention Program, focused on hospitals and urgent care centers--the facilities at highest risk. Each facility is required to develop and implement a workplace violence prevention program, including training in de-escalation, reporting

requirements, victim support, and risk assessment. The second section creates the NH Health Care Workplace Safety Commission. Although this commission is larger than usual, as it is composed of representatives of all the hospitals and many urgent care centers, the new commission is modeled on the NH Health Care Quality and Safety Commission, which addresses patient care issues, and serves as a forum where the various institutions can share best practices and learn from each other's experiences to ensure the best patient care. This new commission serves a similar function with respect to workplace safety, and the size reflects the wishes of the stakeholders. The third section changes the name of the NH Health Care Quality and Safety Commission to the NH Health Care and Patient Safety Commission to clarify the different missions of the two commissions. Finally, the last section allowed law enforcement to make warrant-less misdemeanor arrests at health care facilities when, through actual or threatened violence, there is interference with the provision of medically necessary health care services. This last provision was removed by the amendment.

## **Brain Injury Public Policy Committee Meeting – May 10, 2022**

The next Brain Injury Association of New Hampshire Public Policy Committee ZOOM Meeting will be held on **Tuesday, May 10, 2022 at 4:30pm**. During the meeting, Brain Injury Association of New Hampshire Lobbyist Teresa Rhodes Rosenberger from the Law Firm of Bernstein Shur will provide the committee with a legislative and public policy update. All are welcome.

The ZOOM link to attend the meeting is:

**<https://us02web.zoom.us/j/83739812715?pwd=Rk83RnZlVHlPZkJKYU1SGlVz1VUQT09>**

Meeting ID: 837 3981 2715

## **Brain and Spinal Cord Injury Public Hearing**

Date: **Tuesday, May 10, 2022**

Time: **6:30 pm – 7:30 pm**

The Brain and Spinal Cord Injury Advisory Council is seeking input from stakeholders (survivors, family members, caregivers, friends, brain and spinal cord injury professionals, services agencies) with respect to the unmet needs of individuals with brain and/or spinal cord injuries.

Based upon the information gathered and as part of the Council's statutory charge from the New Hampshire Legislature, the Council will subsequently submit a report to Governor Sununu and the Legislature that contains

findings and recommendations on how New Hampshire can better meet the needs of individuals with brain and/or spinal cord injuries.

We look forward to meeting you and learning about your questions, concerns and your experiences. Attached find the announcement for your review.

**ZOOM Registration Link: Online**

**Registration:** <https://bianh.salsalabs.org/atkinsonderry>

## **Brain Injury Legislative Status Report**

Attached find the most recent Brain Injury Legislative Status Report for your review.

Take care-

***Ellen***

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